

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
FOLEY SQUARE DIVISION**

**CASE NO.: 1:22-cv-01765**

PANORAMIC STOCK IMAGES, LTD., dba  
PANORAMIC IMAGES,

Plaintiff,

v.

BROOKFIELD PROPERTIES (USA) LLC,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**  
**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff PANORAMIC STOCK IMAGES, LTD., dba PANORAMIC IMAGES by and through its undersigned counsel, brings this Complaint against Defendant BROOKFIELD PROPERTIES (USA) LLC for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff PANORAMIC STOCK IMAGES, LTD., DBA PANORAMIC IMAGES (“Panoramic”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Panoramic’s original copyrighted Work of authorship.
2. Panoramic has specialized in wide and large-format panoramic photography for over 25 years. Their global roster of acclaimed photographers captures the world in awe-inspiring size to create a collection of international images: city skylines, landscapes, travel, lifestyles, cultural heritage, world destinations and aerials.

3. Defendant BROOKFIELD PROPERTIES (USA) LLC (“Brookfield”) according to its website “develops and operates real estate investments on behalf of Brookfield Asset Management, one of the largest alternative asset managers in the world.” Brookfield manages over 800 properties. At all times relevant herein, Brookfield owned and operated the internet website located at the URL [www.brookfieldpropertiesretail.com](http://www.brookfieldpropertiesretail.com) (the “Website”).

Panoramic alleges that Brookfield copied Panoramic’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Brookfield committed the violations alleged in connection with Brookfield’s business for purposes of advertising and promoting sales to the public in the course and scope of the Brookfield’s business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

### **DEFENDANT**

9. Brookfield Properties (USA) LLC is a Delaware Limited Liability Company permitted to do business in New York as a foreign Limited Liability Company, with its principal place of business at 250 Vesey Street, 15th Floor, New York, New York, 10281, and can be served by serving its New York Registered Agent, Corporation Service Company, 80 State

Street, Albany, New York, 12207, or its Delaware Registered Agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

### **THE COPYRIGHTED WORK AT ISSUE**

In 2002, Panoramic created the photograph entitled “68362”, which is shown below and referred to herein as the “Work”.



Panoramic registered the Work with the Register of Copyrights on September 25, 2012 and was assigned the registration number VA 1-831-745. The Certificate of Registration is attached hereto as Exhibit 1.

Panoramic’s Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Panoramic was the owner of the copyrighted Work at issue in this case.

### **INFRINGEMENT BY DEFENDANT**

14. Brookfield has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Brookfield copied the Work.

16. On or about February 17, 2021, Panoramic discovered the unauthorized use of its Work on the Website in the photographs depicting The Gallery At Harborplace in Baltimore, Maryland.

17. Brookfield copied Panoramic's copyrighted Work without Panoramic's permission.

18. After Brookfield copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its property management business.

19. Brookfield copied and distributed Panoramic's copyrighted Work in connection with Brookfield's business for purposes of advertising and promoting Brookfield's business, and in the course and scope of advertising and selling products and services.

20. Panoramic's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Brookfield committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

22. Panoramic never gave Brookfield permission or authority to copy, distribute or display the Work at issue in this case.

23. Panoramic notified Brookfield of the allegations set forth herein on April 28, 2021 and June 21, 2021. To date, Brookfield has failed to respond to Plaintiff's Notices. Copies of the Notices to Brookfield are attached hereto as Exhibit 3.

### **COPYRIGHT INFRINGEMENT**

24. Panoramic incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Panoramic owns a valid copyright in the Work at issue in this case.

26. Panoramic registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. Brookfield copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Panoramic's authorization in violation of 17 U.S.C. § 501.

28. Brookfield performed the acts alleged in the course and scope of its business activities.

29. Brookfield's acts were willful.

30. Panoramic has been damaged.

31. The harm caused to Panoramic has been irreparable.

WHEREFORE, the Plaintiff Panoramic Stock Images, Ltd., dba Panoramic Images prays for judgment against the Defendant Brookfield Properties (USA) LLC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

b. Defendant be required to pay Plaintiff its actual damages and Brookfield's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;

Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Plaintiff be awarded pre- and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: March 3, 2022

Respectfully submitted,

/s/Joseph A. Dunne

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